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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,922	11/09/2000	Rick Allen Hamilton II	AUS9-2000-0562-US1	5547

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EXAMINER

DUONG, THOMAS

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/710,922

Applicant(s)

HAMILTON II ET AL.

Examiner

Thomas Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 8 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al. (US005742829).
4. With regard to *claims 1, 8 and 15*, Davis reference discloses,
  - *specifying said plurality of heterogeneous client computer systems to receive said device driver (program, software); (Davis, abstract; col.1, lines 6-8; col.6, lines 23-65; col.10, line 43 – col.11, line 29; fig.3A)*
  - *said server computer system (centralized management system) causing said one of said plurality of client computer systems to install said one of said plurality of different versions of said device driver. (Davis, abstract; col.1, lines 6-8; col.2, lines 15-44, lines 45–67; col.3, lines 24-67)*
  - *storing a plurality of different versions of said device driver in said server computer system, wherein each one of said plurality of different versions is executable by only a different one of said plurality of operating systems; (Davis, col.2, lines 53-58; col.5, lines 56-58; col.6, line 23 – col.7, line 34; fig.3A)*
  - *copying one of said plurality of different versions of said device driver to one of said plurality of client computer systems which is executing one of said plurality of different operating systems, wherein said one of said plurality of different versions of said device driver is executable by said one of said plurality of different operating systems; and (Davis, abstract;*

col.1, lines 6-8; col.2, lines 15-44, lines 45-67; col.3, lines 24-67; col.5, lines 56-58; col.6, line 23 – col.7, line 34; fig.3A)

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (US005742829) and in view of Sakanishi et al. (US006678888B1).
7. With regard to *claims 2, 9 and 16*, Davis reference discloses the invention substantially as claimed,

See *claims 1, 8 and 15* rejection as detailed above,

However, Davis reference does not explicitly disclose,

- *further comprising the step of creating a file including a plurality of entries, each one of said plurality of entries specifying a different one of said plurality of client computer systems, one of said plurality of different operating systems, and a network address of said one of said plurality of client computer systems.*

Sakanishi teaches,

- *further comprising the step of creating a file including a plurality of entries, each one of said plurality of entries specifying a different one of said*

*plurality of client computer systems, one of said plurality of different operating systems, and a network address of said one of said plurality of client computer systems.* (Sakanishi, abstract; col.9, line 55 – col.10, line 10)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Sakanishi reference with Davis reference to enhance the system by specifying the set of clients to receive the distribution of the newer version of the software or driver using the clients' network address.

8. Claims 3-7, 10-14 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (US005742829), in view of Sakanishi (US006678888B1) and further in view of Johnson et al. (US005623696A).
9. With regard to *claims 3, 10 and 17*, Davis and Sakanishi references disclose the invention substantially as claimed,

See *claims 2, 9 and 16* rejection as detailed above,

However, Davis and Sakanishi references does not explicitly disclose,

- *further comprising the step of distributing said plurality of versions of said device driver to said plurality of client computer systems utilizing said file.*

Johnson teaches,

- *further comprising the step of distributing said plurality of versions of said device driver to said plurality of client computer systems utilizing said file.*

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(Johnson, abstract; col.1, lines 8-11, lines 40-53; col.2, lines 5-26, lines 30-54; col.3, lines 29-47; fig.1-2)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Johnson reference with Davis and Sakanishi references to minimize the operating cost and enhance the flexibility of the network system by allowing the support for multiple hardware devices via devices drivers in a heterogeneous client computer systems. In other words, each computer system having a different operating system is able to utilize hardware devices via device drivers designed specifically for that operating system.

10. With regard to *claims 4-7, 11-14 and 18-21*, Davis, Sakanishi and Johnson references disclose the invention substantially as claimed,

See *claims 3, 10 and 17* rejection as detailed above,

Furthermore, Davis, Sakanishi and Johnson references disclose,

- *getting a first entry from said file utilizing said server computer system; determining a first one of said plurality of operating systems included in said first entry utilizing said server computer system; determining a network address for a first one of said plurality of client computer systems included in said first entry utilizing said server computer system; retrieving a first one of said plurality of different versions of said device driver utilizing said server computer system, wherein said first one of said plurality of different versions of said device driver is executable by said*

*first one of said plurality of operating systems; and copying said first one of said plurality of different versions of said device driver to said first one of said plurality of client computer systems at said network address utilizing said server computer system.* (Davis, abstract; col.1, lines 6-8; col.2, lines 15-44, lines 45-67; col.3, lines 24-67; col.5, lines 56-58; col.6, line 23 – col.7, line 34; fig.3A)

### **Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
  - Beal et al. (US005872956A)
  - Kullick et al. (US005732275)
  - Mohammed (US006418555B2)
  - Dodson (US006513159B1)
  - Forbes (US006381742B2)
  
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 703/305-1886. The examiner can normally be reached on M-F 7:30AM - 4:00PM.  
  
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703/308-5221. The fax phone




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numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/305-3900.

*Thomas Duong (AU2143)*

*February 20, 2004*

  
DAVID WILEY  
SUPERVISORY/PATENT EXAMINER  
TECHNOLOGY CENTER 2100